

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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March 11, 2022

Mr. Thomas M. Diggins
FEDERAL PUBLIC DEFENDER'S OFFICE
Suite 100
655 Omaha Street
Rapid City, SD 57701

RE: 22-1514 United States v. Francis Kistler

Dear Counsel:

The district court has transmitted a notice of appeal and docket entries in this matter, and we have docketed them under the caption and case number shown above. Please include the caption and the case number on all correspondence or pleadings submitted to the court.

Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an [Appearance Form](#) on the "Forms" page on our web site at www.ca8.uscourts.gov.

An order appointing your office to represent appellant will be sent under separate Notice of Docket Activity. Your duties as counsel are defined by Eighth Circuit Rule 27B and Eighth Circuit's Plan to Expedite Criminal Appeals. Please review these materials which are on the "Rules and Publications" page of our web site.

An order regarding confidentiality is also being entered, as this appeal appears to involve a minor victim, copy of which will be forwarded under separate Notice of Docket Activity.

The court has established a briefing schedule for the case, a copy of which will be forwarded under separate notice of docket activity. Please review the schedule and note the key filing dates. You should also review Federal Rules of Appellate Procedure 28 and 32, as well as Eighth Circuit Rules 28A and 32A. Useful information about briefing and the record on appeal can be found at these links:

media.ca8.uscourts.gov/newcoa/notes/redacter-egov.pdf
media.ca8.uscourts.gov/newcoa/forms/crbchhk.pdf
media.ca8.uscourts.gov/newcoa/forms/crrecord.pdf

Please note that the court has eliminated the requirements for a clerk's record in criminal appeals, effective January 1, 2013. Record references to the district record made in pleadings and briefs filed in this court must be to the district court docket. For example, if the motion to suppress is district court docket number 11 and a party wishes to reference page 7 of the motion to suppress, the reference in the brief should be in the format: (R. Doc. 11, at p.7). Transcript references should be to Volume and page number (TR., Vol.1, p.123). Exhibit references should be to the exhibit label attached in the district court proceedings: (Government Exh. 1, page3; Defense Exh. C, page 4). References to the Presentence Investigation Report should be to page number: (PSR, p.17). Additional information should be provided whenever it is necessary to clearly identify a document and avoid confusion.

Paper copies of transcripts, Statement of Reasons, Presentence Investigation Reports and exhibits will still be forwarded from the district court to the circuit clerk's office, and counsel should check with the district court clerk's office to assure that all necessary materials are transmitted on a timely basis.

If a transcript will be required for the appeal, you should immediately contact the official court reporter and complete CJA Form 24. This form is available as part of the CJA Forms referenced above.

The court has directed the clerk's office to monitor and enforce compliance with the briefing schedule. Failure to meet the briefing deadlines will result in the issuance of an order to show cause and may lead to dismissal of the appeal, as well as the initiation of disciplinary proceedings. Requests for extensions of time must be filed on a timely basis and should establish good cause. Overlength briefs are strongly discouraged. Permission to file an overlength brief must be sought 7 days in advance of the due date. See Eighth Circuit Rule 28A(h).

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at the court's web site www.ca8.uscourts.gov. In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-regform.pl>. Questions about CM/ECF may be addressed to the Clerk's office.

If you have any questions about the schedule or procedures for the case, please contact our office.

Michael E. Gans
Clerk of Court

MMH

Enclosure(s)

cc: Ms. Sarah B. Collins
Ms. Sheri L. Not Help Him
Ms. Heather C. Sazama
Mr. Matthew W. Thelen
Francis James Kistler

District Court/Agency Case Number(s): 5:19-cr-50102-JLV-1

Caption For Case Number: 22-1514

United States of America

Plaintiff - Appellee

v.

Francis James Kistler

Defendant - Appellant

Addresses For Case Participants: 22-1514

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